

Docket No.: 1169-032

ADJ
JC04 Rec'd PCT/PTO 26 OCT 2005
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)

Marie-Line ABOU CHACRA-VERNET et al.)

Confirmation No. 5276

U.S. Patent Application No. 10/519,166)

Filed: December 23, 2004)

For: SOLID PHARMACEUTICAL COMPOSITION CONTAINING A LIPOPHILIC
ACTIVE PRINCIPLE AND PREPARATION METHOD THEREOF

REPLY TO NOTICE TO FILE MISSING PARTS

Mail Stop Missing Parts

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RECEIVED

20 JAN 2006

Sir:

Legal Staff
International Division

Responsive to the Notice to File Missing Parts of June 8, 2005, attached is the following:

- A) Late Filing Fee Surcharge of \$65.00 (for providing the Oath or Declaration later than 30 months from the priority date);
- B) Executed Assignment and Assignment Transmittal Letter w/\$40.00 Filing Fee
- C) Copy of Notification of Missing Requirements;
- D) a Declaration and Power of Attorney executed by Marie-Line ABOU CHACRA-VERNET, Noël LARUELLE and Rene' GIMET; but not by Dominique TOSELLI, who refused to execute the Declaration; and
- E) a Declaration by Beatrice ORES, having presented the above Declaration to Dominique TOSELLI for execution, and having first-hand knowledge of the facts stated below.

STATEMENT OF FACTS

As attested to in the Declaration of Beatrice ORES, the following steps were taken to obtain the signature of Dominique TOSELLI:

1) Declaration/Power of Attorney forms were forwarded to Mr. Dominique TOSELLI on January 4, 2005, by Mr. Claude LARUELLE, the Managing Director of CLL PHARMA (see copy of the letter and its English translation attached as ANNEX A1). This registered letter and its annexes were received by the inventor, Mr. TOSELLI on January 7, 2005 (see copy of the executed Notice of Receipt and its English translation attached as ANNEX A2);

2) In the absence of the return of the executed documents, Mr. LARUELLE sent a new letter to the inventor by which Mr. LARUELLE asked Mr. TOSELLI to return the executed documents in or under 48 hours (see copy of the letter and its English translation attached as ANNEX B1). This registered letter was received by the inventor on February 2, 2005, (see copy of the executed notice of receipt with its English translation enclosed as ANNEX B2);

3) Since Mr. LARUELLE received no confirmation or news from the inventor, Mr. TOSELLI, Mr. LARUELLE asked Beatrice ORES to contact the inventor directly. Accordingly, a registered letter was sent to Mr. TOSELLI from Beatrice ORES on March 14, 2005, with additional copies of documents to be executed. (See copies of these documents as ANNEX C1). This registered letter and its enclosures were received by the inventor on March 17, 2005 (see the copy of the executed notice of receipt with its English translation attached as ANNEX C2);

4) As no executed documents were received by Beatrice ORES from Mr. TOSELLI, a reminder of the letter of March 14, 2005, was sent to Mr. TOSELLI by registered mail (see copy of this letter attached as ANNEX D1), and was received on June 27, 2005, by Mr. TOSELLI (see copy of the executed notice of receipt with its English translation attached as ANNEX D2); and

5) No documents were received by Beatrice ORES executed by Mr. TOSELLI; thus,

6) Accordingly, from the above documented facts, Beatrice ORES concludes in her Declaration that the co-inventor, Mr. Dominique TOSELLI does not wish to execute the Declaration/Power of Attorney and Assignment forms.

Therefore, in view of these established facts, it is urged that the application Declaration submitted herewith satisfies MPEP 409.03 (d), and thereby the Notice to File Missing Parts of June 8, 2005. Favorable consideration is earnestly solicited.

Please find enclosed a Credit Card Charge Form in the amount of **\$575.00** to cover the filing fee of **\$65.00** and **\$510.00** for a Three-Month Extension of Time. To any extent necessary, Applicants hereby petition for a Three-Month Extension of time under 37 C.F.R. 1.136 in which to file this paper and hereby authorize the Commissioner to charge any omitted fees, including extension of time fees, or credit any overpayments to Deposit Account 07-1337.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP



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October 26, 2005

10/31/2005 MKAYPAGH 00000125 10519166

01 FC:2617 65.00 OP

10/31/2005 MKAYPAGH 00000125 10519166

02 FC:2253 510.00 OP



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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/519,166	Marie-Line Abou Chacra-Vernet	1169-032

22429
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INTERNATIONAL APPLICATION NO.	
PCT/FR03/01933	
LA. FILING DATE	PRIORITY DATE
06/24/2003	06/25/2002

CONFIRMATION NO. 5276
371 FORMALITIES LETTER



Date Mailed: 06/08/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/23/2004
- English Translation of the IA filed on 12/23/2004
- Copy of the International Search Report filed on 12/23/2004
- Preliminary Amendments filed on 12/23/2004
- Information Disclosure Statements filed on 12/23/2004
- Small Entity Statement filed on 12/23/2004
- Request for Immediate Examination filed on 12/23/2004
- U.S. Basic National Fees filed on 12/23/2004
- Priority Documents filed on 12/23/2004

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JUN 10 2005

Lowe Hauptman, & Berner

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

DOCKETED BY: Proy
DUE DATE: 8-8-05
MISSING PAGES

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/519,166	PCT/FR03/01933	1169-032

FORM PCT/DO/EO/905 (371 Formalities Notice)